

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 252

Citations Affected: IC 6-4.1; IC 29-1; IC 30-5; IC 32-17; IC 34-30.

Synopsis: Numerous changes to probate, trust, and tax laws. Conference committee report for ESB 252. Changes notice of appraisal requirements. Makes various changes concerning the responsibilities of an attorney in fact. Allows a putative father, for the purpose of inheritance, to execute a paternity affidavit to establish the paternity of a child born out of wedlock. Provides that a person with custody of a will is only required to deliver the will to the court if the person receives a written demand from the personal representative or upon court order. Provides that a person incurs civil liability if, not more than three business days after receiving the power of attorney, the person refuses to accept the authority of an attorney in fact granted under a power of attorney. Provides that a person does not incur civil liability if the person provides the attorney in fact with a written statement not more than ten days after the refusal explaining why: (1) the power of attorney is legally invalid; or (2) the attorney in fact is exercising a power not provided in the power of attorney. Provides that a nonprobate transfer does not include transfer of a survivorship interest in a tenancy by the entireties real estate, the transfer of a life insurance policy or annuity or payment of death proceeds thereof. Provides that the liability of a nonprobate transferee: (1) may not exceed the value of the nonprobate transfers received or controlled by the nonprobate transferee; and (2) does not include the net contributions of the nonprobate transferee. Repeals a superseded provision concerning the liability of a person who receives payment from a multiple party account for claims against the estate. Reconciles technical conflicts between ESB 252 and ESB 57. Makes other changes. (This conference committee report: (1) removes provisions that set forth rules for the interpretation of trusts; (2) removes a provision that amends the rule against perpetuities to provide that certain nonvested property interests in a trust are valid; and (3) reconciles technical conflicts between ESB 252 and ESB 57.)

Effective: July 1, 2002.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 252 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 3, line 22, delete "decendent," and insert "**person**,".
- 2 Page 4, delete lines 9 through 42.
- 3 Delete page 5.
- 4 Page 6, delete lines 1 through 22.
- 5 Page 10, delete lines 12 through 42.
- 6 Page 11, delete lines 1 through 9.
- 7 Page 11, line 10, delete "IC 32-4-1.1" and insert "IC 32-17-13".
- 8 Page 11, line 13, delete "1.1". and insert "**13**,".
- 9 Page 11, line 28, delete "IC 32-4-1.6," and insert "**IC 32-17-9**,".
- 10 Page 11, line 34, delete "IC 32-4-1.5" and insert "**IC 32-17-11**".
- 11 Page 12, line 16, delete "Except as provided in IC 27-1-12-14, other"
- 12 and insert "**Other**".
- 13 Page 13, line 5, delete "decendent's" and insert "**person's**".
- 14 Page 13, line 25, delete "IC 32-4-1.5-7.1" and insert "IC
- 15 32-17-11-21.1".
- 16 Page 13, line 27, delete "7.1." and insert "**21.1**,".
- 17 Page 13, line 29, delete "IC 32-4-1.1." and insert "**IC 32-17-13**,".
- 18 Page 13, line 30, delete "IC 32-4-1.6-11.1" and insert "IC
- 19 32-17-9-12.1".
- 20 Page 13, line 32, delete "11.1." and insert "**12.1**,".
- 21 Page 13, line 34, delete "IC 32-4-1.1." and insert "**IC 32-17-13**,".
- 22 Page 13, line 37, delete "IC 32-4-1.1-7" and insert "**IC 32-17-13-7**".

- 1 Page 13, line 39, delete "IC 32-4-1.5-7" and insert "IC 32-17-11-21".
- 2 Renumber all SECTIONS consecutively.
(Reference is to ESB 252 as reprinted February 26, 2002.)

Conference Committee Report
on
Engrossed Senate Bill 252

Signed by:

Senator Zakas
Chairperson

Representative Kuzman

Senator Antich

Representative Foley

Senate Conferees

House Conferees